

CHIPPEWA CREE TRIBE OF THE ROCKY	:	Order Affirming Decision
BOY'S RESERVATION,	:	
Appellant	:	
	:	
v.	:	Docket No. IBIA 93-64-A
	:	
BILLINGS AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	September 16, 1993

The Chippewa Cree Tribe of the Rocky Boy's Reservation (Tribe) seeks review of a March 2, 1993, decision issued by the Billings Area Director, Bureau of Indian Affairs (Area Director; BIA), denying an application for a FY 1993 Planning grant. For the reasons discussed below, the Board of Indian Appeals (Board) affirms that decision.

Pursuant to an announcement published at 57 FR 54411 (Nov. 18, 1992), the Tribe filed an application for a Planning grant with the Rocky Boy's Agency, BIA. Upon an initial review of the application, the Tribe was informed that certain additional information was needed. The information was provided, and the completed application package was forwarded to the Area Director with a recommendation for approval.

The application was reviewed by the Billings Area review committee, and received an average score of 52.2 points. By letter dated March 2, 1993, the Area Director denied the application.

On appeal, the Tribe addresses each of the deficiencies and weaknesses identified in the Area Director's denial letter. The Area Director found that the proposal failed clearly to identify the Tribe's need for a Planning grant "which should be used by a tribe to centralize or consolidate all of the administrative functions, to consolidate or integrate federal programs serving the tribe, as well as formulate short and long-range plans for reservation resources development." The Tribe contends that its need for a Planning grant was thoroughly discussed at pages 1-11 of its proposal, and that the proposal provided for centralized data acquisition and management, and the sustainability of that centralization across tribal programs, with special emphasis on natural resources management.

In reviewing the referenced section of the Tribe's application, the Board concludes that, although the section indicates that there are many areas in which there is a need for greater access to centralized information, the discussion is very general, and fails to show how the Tribe intends to use the grant to fulfill the purposes of the program as specified

in section C(1) of the announcement. The Board agrees with the Area Director's determination that the application fails clearly to identify the Tribe's need for a Planning grant.

The Area Director also found that the application failed to show that the Tribe had surveyed or otherwise informed the community population of its intention to participate in the grant program, as is required by section C(2)(a)(i). The Tribe responds that pages 2 and 8 of its application specifically describe the process implemented to provide community information, and that this process is also described throughout the application. Page 2 describes a comprehensive planning document which was prepared in January 1993; page 8 describes anticipated efforts to "humanize" information to be collected. Section C(2)(a)(i) requires that an applicant specifically survey or inform the community concerning the planning grant application itself. The referenced sections of the application describe how the Tribe expects to involve the community after receiving the grant. The Board finds nothing in the Tribe's application to indicate that it complied with this requirement.

The denial letter states that the Tribe does not administer "mature" contracts, as defined in the Indian Self-Determination Act. The Tribe contends that it administers mature contracts in social services, law enforcement, aid to tribal government, higher education, and judicial services. The Board finds nothing in either the application or the documents submitted on appeal to support the Tribe's statement. It is the applicant's responsibility to show that it meets all eligibility requirements.

The Area Director found that the administrative capabilities or resumes of project staff included with the Tribe's application indicates the coordinator was poorly qualified, with a clerical background, and would require technical training to accomplish the grant objectives. The Tribe responds that the resume indicated that the individual had taken additional computer and networking training, and that the need for additional training had been identified and would be further evaluated. The Tribe also objects that the term "poorly" is subjective.

The resume of the individual designated as coordinator indicates that her background is in the secretarial field. She has also taken several computer courses that appear relevant to the goals established in the application. The concern expressed related to the individual's experience in relation to the types of responsibilities assigned to the coordinator. There is no indication that the individual designated as coordinator has any background or experience to qualify her to fulfill the duties of the coordinator position. The Tribe is, of course, more familiar with the individual and her potential. BIA must, however, rely upon the information presented in the application. The information presented suggests that the individual does not have sufficient qualifications to allow her to fill the position of coordinator without significant additional training in many areas, not just computers.

Finally, the Area Director found that the application poorly addressed how the Tribe would monitor progress in achieving the grant objectives and

how any necessary corrective actions would be taken. The Tribe responds that the self-monitoring systems are clearly defined on pages 27-29 of its application as "internal effective evaluations."

The Board does not believe that the "internal effective program evaluations" described on pages 27-29 of the application meet the requirements for monitoring progress in achieving grant objectives. The evaluations are one of the application's objectives, not a system for monitoring progress toward attainment of the objectives. Furthermore, even if the evaluations are considered as a monitoring system, the application does not describe how any deficiencies identified will be corrected.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, the Billings Area Director's March 2, 1993, decision is affirmed.

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Kathryn A. Lynn  
Chief Administrative Judge

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Anita Vogt  
Administrative Judge